

Message

From: Purnell, Rhonda [Purnell.rhonda@epa.gov]
Sent: 10/13/2020 9:33:29 PM
To: Fields, Jenifer [fields.jenifer@epa.gov]; Servidio, Cosmo [Servidio.Cosmo@epa.gov]
CC: Esher, Diana [Esher.Diana@epa.gov]; Rose, Kenneth [Rose.Kenneth@epa.gov]; Bain, Andrea [Bain.Andrea@epa.gov]
Subject: Salients for your review - Wk 10/13/20
Attachments: Salients 10-13-20.docx

Please review the file and forward appropriate issues for this week Administrators Report.

File located on the <L:\Share\Salients\Salients FY2021\Salients 10-13-20.docx>

Region 3 Salients for 10/13/2020

Salient Issues

for Regional Administrator and Deputy Regional Administrator

Air & Radiation Division

IMMEDIATE OFFICE

How to be an Ally: ARD Diversity and Inclusion Event

On October 15, the Air and Radiation Division (ARD) will host a virtual diversity and inclusion event entitled "How to be an Ally." The event will begin with a viewing of the TED Talk "3 Ways to be a Better Ally in the Workplace," followed by a panel of ARD colleagues sharing their perspective and experiences on the topic.

This is the first in a series of voluntary ARD events designed to provide opportunity for employees to hold important conversations about diversity and inclusion in the workplace. The TED talk can be found here:

https://www.ted.com/talks/melinda_epler_3_ways_to_be_a_better_ally_in_the_workplace?language=en **Cont**

act: Cristina Fernandez, 215-814-2178

PARTNERSHIP PROGRAMS & GRANTS BRANCH

The First Chickahominy Indian Tribe Consultation

On October 15, the Air & Radiation Division (ARD) will conduct the first tribal consultation with the Chickahominy Indian Tribe (CIT). The consultation opportunity consists of Virginia's Richmond-Petersburg Area 2nd Maintenance State Implementation Plan (SIP). The CIT reside and own land within Charles City County, which is part of the Richmond-Petersburg Area. The consultation will enhance relationships, outreach, and dialogue with the CIT on the Clean Air Act and the SIP revision process. It will increase the understanding of roles and responsibilities under the SIP revision and public comment processes, as well as the proposed SIP revision under review. Under the Consultation Policy, EPA must offer consultation opportunities to federally recognized tribes on any federal action which could potentially impact tribal lands. **Contact:** Janice Bolden, 215-814-2185

Region 3 Awards \$910,000 for FY21 State Radon Grants

The FY2021 State Indoor Radon Grants (SIRG) have been awarded to the Delaware Department of Health and Social Services, Pennsylvania Department of Environmental Protection, Virginia Department of Health and the District of Columbia Department of Energy & Environment. In addition, both the Maryland Department of Health and the West Virginia Department of Health and Human Services received radon funding as part of a Performance Partnership Grant. The grants, totaling \$910,000, will be used to fund the states' radon programs to address radon risk assessment, risk reduction and radon resistant new construction in homes and schools. The state grants also fund free radon test kit promotions, radon outreach events for state residents, annual Radon Stakeholder Meetings, and statewide registration programs for radon testers and mitigators. Radon is the second leading cause of lung cancer in the United States, responsible for 21,000 lung cancer deaths a year. About 2,900

of these deaths occur among people who never smoked. The only way to know if a home has high radon levels is to test. For more information please visit: www.epa.gov/radon. **Contact:** Michelle Moyer, 215-814-2098

PLANNING & IMPLEMENTATION BRANCH

Second Maintenance Plan approval for the Parkersburg-Marietta Area, WV published in the Federal Register.

On October 9, EPA published a final rulemaking notice (FRN) for approval of a state implementation plan (SIP) revision submitted by the State of West Virginia. The revision pertains to the second maintenance plan for the 1997 8-hour ozone national ambient air quality standards (NAAQS) for the Parkersburg-Marietta area of West Virginia (85 FR 40160). EPA redesignation of the area from nonattainment to attainment for the 1997 8-hour ozone NAAQS was effective on May 8, 2007. **Contact:** Keila Pagán-Incle, 215-814-2926

Upcoming Decisions:

Annual Air Monitoring Network Plan (AMNP) Approval: The Clean Air Act requires state and local (S/L) agencies to submit annual ambient air monitoring plans for RA approval. For FY 20, an early RA approval was made in August for Virginia. The remaining seven S/L plans are currently undergoing concurrence and should be ready for RA signature mid-October. **Contact:** Alice Chow, 215-814-2144

Upcoming Calendar Events:

October 20-21 **NACAA Virtual Fall Membership Meeting** – Region 3 will attend

November 17-18 **Ozone Transport Commission Annual Meeting** – Virtual Meeting, Region 3 will attend

Land, Chemicals, and Redevelopment Division

Department of State Waste Audit Training - On Thursday October 1st, in conjunction with EPA's Waste Wise Program, LCRD's RCRA Programs Branch-Sustainable Materials Management (SMM) program presented a waste audit training webinar as part of the Department of State's (DOS) *Face the Waste Campaign, Challenge, and Public Outreach* program. EPA's Waste Wise program will continue to support the DOS efforts to launch a waste and recycling challenge for the 270+ United States Embassy posts across the world through FY20-21.

(Luke Wolfgang, 4-2913)

Region 3 Awards Grant for Sustainable Materials Management – On September 23, 2020, Region 3 awarded a grant of \$15,000 to the Composting Council Research and Education Foundation (CCREF) to promote the beneficial use of compost. CCREF will work with a variety of state agencies in all five Region 3 states to provide technical assistance and education regarding the use of compost in erosion and sediment control applications and other green infrastructure projects. Increasing the use of compost will build markets for compost products and ultimately increase the capacity for food waste composting in the region. In addition, use of compost for erosion and sediment control for construction projects will improve stormwater management and water quality. **(Melissa Pennington, 4-3372)**

Region 3 Awards Grant for Sustainable Materials Management – On September 29, 2020, Region 3 awarded a grant of \$15,000 to Bullock Garden Project, Inc. (BGP) to capitalize on gleaning to reduce farm food loss and increase donations of fresh produce in local markets where food insecurity is paramount. BGP will use these grant funds to work directly with local farmers to ensure edible food left in the fields is harvested and sold to local markets. BGP's gleaning program will engage youth in community service, increase awareness of the impact of food deserts in marginalized communities, and reduce unnecessary food waste, all while teaching and broadening awareness of agri-social issues. This project is a natural progression building on work Region 3 is doing on a national level using a new technology platform to connect farmers with gleaning opportunities to

local food markets in need. We anticipate that the work BGP does under this grant will be replicable. Other groups interested in reducing farm food loss and helping farmers become more sustainable will have the opportunity to learn how to do it from BGP. **(Melissa Pennington, 4-3372; Tom O'Donnell, 4-2874)**

Dickinson College in Carlisle, PA Selected by EPA to Receive \$300,000 to Support Anaerobic Digestion in Communities – On October 1, 2020, the U.S. Environmental Protection Agency (EPA) announced that it has selected 12 recipients to receive approximately \$3 million in funding to help reduce food loss and waste and to divert food waste from landfills by expanding anaerobic digester capacity in the United States.

Dickinson College, which is located in Region 3, has been awarded \$300,000 for their small-scale farm co-digestion project. The cornerstone of this project is a co-digestion demonstration for a dairy digester scaled to regionally common farm size (< 150 cows). This is significant for the Mid-Atlantic region because there is currently no cost-effective model for digester operation on farms with less than 500 cows. The project builds on a program already established with the Dickinson College Farm and dining services that diverts dining hall food waste to mini-digesters built by the college. Diversion of food waste from local schools and breweries will be incorporated into the program amounting to approximately 350 tons of food waste diverted per year. To top it off, the project also includes research to optimize feedstocks, extensive outreach efforts, case studies and a video documentary. **(Melissa Pennington, 4-3372)**

Habitat for Humanity Targeted Brownfield Assessment – Region 3's Brownfields and Revitalization Branch initiated a Phase II environmental assessment at the Auburndale Subdivision in Martinsburg, Berkeley County, WV under the START6 contract. Previous Phase I and Phase II environmental site assessments revealed that the property had prior use as a landfill containing several above and underground storage tanks, debris, asphalt, gravel, and soil piles. Prior to the property being purchased by Habitat for Humanity of the Eastern Panhandle, the tanks, tar leakage, tanker trailer, tires, concrete conduits, steel hopper and other items were removed and a letter from the agency completing the environmental work was provided to the owner, stating the land was suitable for residential construction. Earlier this year, while excavating a house foundation, scrap metal, bricks, and asbestos roofing material were uncovered. The COVID 19 pandemic has put an increased strain on Habitat for Humanity's operational and construction budgets as well as their volunteer base including fundraisers affecting cash flow. The discovery of buried asbestos roofing material in the excavation of a recent house foundation brought construction to a halt. The cost of additional assessment and removal of the hazardous material from the lot, poses a financial burden to the Habitat for Humanity. The City of Martinsburg has identified affordable housing as a great need within the city and strongly supports Habitat's creation of affordable housing. Using results from the Phase II Environmental Assessment, the WV Brownfields Assistance Center and Habitat for Humanity intend to apply for an EPA Brownfields cleanup grant in FY22. The project will ultimately protect human health and the environment while meeting the City's goal of offering a variety of quality housing opportunities, including a diverse mix of both affordable and market rate units for residents of all ages, interests, and family sizes as outlined in their most recent Comprehensive Plan. The project site is located in a low-income community and a qualified opportunity zone. **(Joe Nowak, 4-3303)**

East Fork Industrial Park Targeted Brownfield Assessment – Region 3's Brownfields and Revitalization Branch initiated a Phase II environmental assessment at the East Fork Industrial Park, Frank WV under the START6 contract. The site was operated from the early 1900's until the early 1990's as Howes Tannery, a leather tanning and finishing facility. After closure and the loss of over 180 jobs, the Pocahontas County Commission obtained the property in the mid-1990's to develop new businesses in the County. Interstate Hardwoods occupies one parcel on the property, which includes a 50,000 square foot facility used for wood finishing and warehousing. Interstate Hardwoods is working with the Pocahontas County Commission, and in conjunction with the Greenbrier Valley Economic Development Corporation and the WV Brownfields Assistance Center at Marshall University, to expand operations on a portion of the adjacent parcel, expanding wood finishing and warehousing operations. Using results from the Phase II Environmental Assessment, the WV Brownfields Assistance Center and the Pocahontas County Commission intend to apply for an EPA Brownfields cleanup grant in FY22. The project will ultimately protect human health and the environment while

creating the opportunity for new businesses and jobs to locate in the East Fork Industrial Park. **(Joe Nowak, 4-3303)**

Region 3 P2 Shares Food Manufacturing Compost Initiative with Villanova University - Last week LCRD Pollution Prevention (P2) personnel coordinated a discussion between Dr. Ross Lee, a professor and Anitha Kannan, a Research Technician both from the Villanova Sustainable Engineering Program and Bill Chirdon, Kunzler and Company, and Steve Lehman, Green n' Grow Compost. Villanova has an interest in Green n' Grow's technology for composting food waste and packaging material to serve food manufacturers and composting capacity in general. Villanova has the capability to validate compost processes with personnel in their engineering department. They offered to explore a possible location to pilot and study the technology. Villanova has the technical expertise to advise the compost process, some which was learned in developing hydrochar, a fuel derived from food waste. Kunzler remains a strong advocate food manufacturer supporting the search for food and packaging compost solutions. Villanova also shared the potential of Kunzler joining Villanova's Resilient Innovation through Sustainable Engineering (RISE) program, a partnership between industry and the university to promote and improve sustainability initiatives. **(Peter Piergiovanni, 4-3442)**

Upcoming Events

October 20-21, 2020	LCRD DD RCRA Fall Meeting (virtual) Attendees – John Armstead, Stacie Driscoll
October 26-30, 2020	ASTSWMO Annual Meeting (virtual) Attendees – John Armstead, Stacie Driscoll
November 10-12, 2020	Virginia State Brownfields Conference (virtual) Attendees – John Armstead
November 16-17, 2020	Pre-SFIREG (virtual) Attendees – Fatima El Abdaoui, Beth Garcia
November 17-18, 2020	OCSPP/RDD (virtual) Philadelphia, PA Attendees – John Armstead, Stacie Driscoll, Fatima El Abdaoui, Beth Garcia

Chesapeake Bay Program Office

General:

PSC Takes Action to Implement DEIJ Commitments – At its meeting this Thursday, Oct. 8, the Principals' Staff Committee took action to implement the commitments of the Diversity, Equity, Inclusion and Justice (DEIJ) Action Statement, including a proposal for convening an Action Team and options for starting a Community Advisory Board. Among other agenda items, the Water Quality Goal Implementation Team provided an update on progress to date and expectations for addressing new science and data for climate change in the 2022-23 milestones and beyond. Deputy Regional Administrator Diana Esher represented EPA at the PSC meeting. **Carin Bisland, 410-267-5732**

CBPO Director to Chair Management Board Meeting – The Chesapeake Bay Program Management Board is meeting on Thursday, October 15. Agenda items include seeking consensus on recommendations to the Principals' Staff Committee related to several decisions on climate change; clarification on the approval and process for updating the watershed model every two years; a round robin discussion on partners' efforts to advance DEIJ; and a STAC effort to assess the impacts of COVID-19 on the CBP. Meeting materials are posted on: https://www.chesapeakebay.net/what/event/management_board_meeting_october_2020

Greg Barranco, 410-267-5778

Conowingo WIP to be Released for Public Comment – The Principals’ Staff Committee approved the release of the draft Conowingo Watershed Implementation Plan for a 60-day public review and comment period. The draft narrative will be posted to the Chesapeake Bay Program website no later than October 14, 2020. A pre-recorded webcast and a fact sheet will also be available to the public. The Center for Watershed Protection will conduct outreach with key partners in Pennsylvania, with plans underway to conduct targeted outreach in Maryland and New York, as part of the draft’s release. The public review and comment period will close on or around December 21, 2020. EPA will be formally reviewing and evaluating the draft Conowingo WIP during this time. The Bay Program’s communications office will issue a press release announcing the start of the public comment period. **Lucinda Power, 410-267-5722**

CBPO Calendar Items:

Oct. 15	Management Board meeting
Oct. 26	WQGIT conference call
Nov. 5-6	Chesapeake Bay Commission quarterly meeting
Nov. 12	Management Board quarterly progress meeting
Dec. 3-4	Local Government Advisory Committee webinar
Dec. 3-4	Citizens Advisory Committee quarterly meeting

Regional Counsel Division

DOJ Files Partial Motion to Dismiss Complaint Challenging EPA’s Approval of MDE PCB TMDLs for Gunpowder and Bird Rivers, 20-Cv-2063 (D.D.C. 2020) On October 5, 2020, DOJ (on EPA’s behalf) filed a partial motion to dismiss the complaint filed on July 29, 2020 by the Gunpowder Riverkeeper challenging EPA’s October 3, 2016 approval of Maryland’s polychlorinated biphenyl (PCB) total maximum daily loads (TMDLs) for the Gunpowder and Bird Rivers. The lawsuit argues that EPA had a mandatory duty to disapprove the TMDLs because the TMDLs fail to assign a baseline load or load allocation to the rivers’ bottom sediments, which represent the major source of PCBs to both rivers. The lawsuit also argues that EPA acted arbitrarily or capriciously when it approved the TMDLs because it failed to allocate loads to all sources of PCBs in the Gunpowder and Bird Rivers, including the bottom sediments. The partial motion to dismiss seeks to dismiss the mandatory duty claim on the grounds that such claims are not valid where the Agency has taken a final action as it did here. DOJ also filed a certified index to the administrative record for the case, as required by the court’s procedural rules. Region 3 worked with DOJ, and coordinated with OGC and OW, on developing partial motion to dismiss and the certified index to the administrative record. **Primary Contact: Kelly Gable, (215) 814-2471, Jillian Adair, (215) 814-5713**

Region 3 Amends RCRA 3008(h) Order with LSI Corporation and Nokia of America Corporation for Richmond, VA Facility [RCRA-03-2013-0105CA] On October 7, 2020, Region 3 amended a March 4, 2013 RCRA 3008(h) Administrative Order on Consent (AOC) with LSI Corporation (LSI) and Nokia of America Corporation (Nokia) (formerly Alcatel-Lucent USA Inc.). The AOC amendment provides, among other things, that LSI continue to implement corrective measures selected by EPA in the ROD, as modified by four ESDs; that LSI continue to submit monitoring reports until LSI demonstrates no further exceedances of clean-up goals at all points of compliance for a subsequent period of three years; and that LSI may cease implementation of corrective measures if EPA determines that clean-up goals have been achieved. Should LSI fail to adequately perform the work under the AOC and First Amendment, Nokia has agreed to complete the work. **Primary Contact: Meghan Kelley, (215) 814-2616, Additional Contact: Russell Fish, (215) 814-3226**

United States Magistrate Judge Recommends Against Vacating the CWA Convictions of a WV Sewage Hauler [U.S. v. Michael Blankenship, SDWV 5:17-00200] On October 5, 2020, a United States Magistrate Judge in WV issued Proposed Findings and Recommendations on Michael Blankenship’s request to vacate his

convictions on two felony CWA violations for discharging raw sewage and portable toilet waste into a perennial stream. The federal criminal case was initiated after a referral from the WVDEP, and the convictions relied in large part on the trial testimony of WVDEP personnel in April 2018. Blankenship appealed his conviction, and the Fourth Circuit Court of Appeals confirmed the convictions on October 1, 2019. Blankenship then filed a collateral attack on the convictions, alleging ineffective defense counsel who failed to pursue various defenses and that his confession was inadmissible because it was not recorded. Magistrate Eifert agreed with the United States' arguments, bolstered by the former counsel's affidavit, that the additional evidentiary challenges cited by Blankenship would have been futile due to longstanding judicial interpretations of federal evidentiary rules and the CWA. The Proposed Findings and Recommendation to dismiss the challenge have been submitted for a ruling by the presiding judge. ORC attorney Perry McDaniel, serving as a Special Assistant United States Attorney, was a co-counsel during the trial, and was lead counsel on the Fourth Circuit appeal and the district court proceeding. **Primary Contact: Perry McDaniel, (304) 340-7841**

Upcoming Meetings:

None

Upcoming Decisions:

None

Superfund & Emergency Management Division (SEMD)

Link to SEMD salient database search: <http://r3web2.r03.epa.gov/hscd//index.cfm>

View: [Calendar of Activities](#)

PFAS Sampling Near Naval Air Station Patuxent River, St Mary's MD - On October 6, 2020, the Maryland Department of the Environment (MDE) released its report on [St. Mary's River Pilot Study of PFAS Occurrence in Surface Water and Oysters](#). The study included monitoring for PFAS in surface waters and oysters in the St. Mary's River, St. Inigoes Creek, Smith Creek, the Patuxent River, and Fishing Bay. Sampling locations were targeted to focus on potential source areas associated with Patuxent River Naval Air Station (NAS) Webster Field Annex. The report indicates that PFAS was not found at *levels of concern found within the study area*. According to the report, PFAS is present in tidal waters of the St. Mary's River, the Patuxent River, and the Fishing Bay reference station at concentrations significantly below risk based recreational use screening criteria and oyster consumption site-specific screening criteria. The study results and conclusions will assist MDE in forming future PFAS monitoring efforts in other watersheds. **(A. Sochanski, 4-3370)**

Superfund Redevelopment Program Releases Superfund Site Economic Reuse Reports. The Superfund Redevelopment Program has released its updated version of, ["Putting Sites to Work – How Superfund Redevelopment Is Making a Difference in Communities Across the United States"](#). Also released is the [Superfund Reuse Economic Report for Region III](#). These documents highlight the national Superfund site reuse economics as well as providing economic reuse snapshots for all ten EPA Regions. Nationally there are currently 9,188 businesses operating at current and former Superfund sites providing an estimated 208,468 jobs and contributing an estimated \$14.4 billion in annual employment income. These businesses generate an estimated \$58.3 billion in annual sales. The 150 Superfund sites with 626 businesses in reuse and continued use (or both) in Region III generate \$3.9 billion in total annual sales, \$1.1 billion in annual employee income, and currently employ 15,289 people. **(C. Thomas, 4-5555)**

Crater Resources, Upper Merion Township, Montgomery County, Pennsylvania – During the week of October 5, 2020, Renaissance Land Associates II, L.P. and Renaissance Land Associates III, L.P. (collectively "RLA") construction contractor completed the placement of the topsoil and will finish the hydroseeding the Quarry 1 cap the week of October 12, 2020. The final inspection of the work is scheduled for November 5, 2020. **(Joseph McDowell, 4-3192; Andrew Haneiko, 4-3162; Meghan Kelley, 4-2616; Gina Soscia, 4-5538)**

Watson Johnson Landfill, Quakertown, Bucks County, Pennsylvania – On October 7, 2020, EPA and the Pennsylvania Department of Environmental Protection (PADEP) performed a joint inspection of the landfill cap. EPA and PADEP concurred that the landfill cap is Operational and Functional (O&F) and can be transferred to PADEP for long-term operation and maintenance. The Region is drafting a letter to document the O&F determination which is expected to be sent the week of October 12, 2020. **(Gallagher, 4-3196, Epps, 4-3144).**

FY2021 Special Account Reviews: At the beginning of each fiscal year, the regional records on each Superfund site with special account funding are updated to reflect current/planned site work activities. The future needs of the special account funds are discussed, and each site's activity codes/accounts are reviewed to identify outdated accounts for deletion and new accounts to be created in People Plus for all individuals conducting site work. This undertaking enhances the region's site time charging against special account funds and benefits the detailed reviews of site work/costs for cost recovery/oversight billings. Over the last three weeks, 45 meetings with Remedial Project Managers, On Scene Coordinators and Site Assessment Managers have been completed and the 140 site special accounts have been updated. The information obtained from these meetings is added to the Special Account Workbooks which are shared with the Mission Support Division whose R3 Account Number Request staff, will update the People Plus favorite accounts for the individuals requested. Additionally, the updated site work descriptions are entered in SEMS Special Account summary pages, which are accessed by EPA OSRTI during their fiscal year work planning reviews. **D. Kelly 4-3174; C. Gonzalez 4-3055.**

Events: None

Enforcement and Compliance Assurance Division

Region 3 issued Information Request Letter to ViaClean Technologies, LLC (PA) - On October 1, Region 3 issued an Information Request Letter to ViaClean Technologies, LLC of Philadelphia requesting information about their pesticidal products. ViaClean Technologies offers for sale a two-step disinfection process which includes a product called BioProtect that is registered to protect surfaces from non-public health microorganisms (stain-causing mold, bacteria that causes odor) for up to 90 days. (H. Raguza 215-814-2170)

Region 3 enters into Consent Agreement with Versum Materials, Inc. for violations of RCRA Subtitle C (PA) - On September 29, Region 3 entered into a Consent Agreement and Final Order with Versum Materials, Inc. (Versum) settling violations of RCRA hazardous waste that were discovered at its Tamaqua, PA facility. Versum manufactures fluorine-based chemical products for use in the electronics industry. Violations included: failure to properly manage hazardous waste containers and failure to conduct inspections of hazardous waste storage tanks. The Order requires Versum to pay a civil penalty of \$17,600. PADEP was notified of the enforcement action (M. Matlin 215-814-5789; J. Nast (ORC) 215-814-2652)

Region 3 enters into Consent Agreement with Clean Harbors Laurel, LLC for violations of RCRA Subtitle C (MD) - On September 29, Region 3 entered into a Consent Agreement and Final Order with Clean Harbors Laurel, LLC (CHL) to settle violations of their RCRA Hazardous Waste Permit and one alleged violation of the authorized Maryland Hazardous Waste Management Regulations (COMAR). CHL is a hazardous waste collection and transfer facility. CHL failed to complete and maintain records required by their permit, failed to update their contingency plan and they failed to prepare an accurate hazardous waste manifests as required by COMAR. The Order requires CHL to take corrective action to come into compliance and pay a civil penalty of \$4,950. (S. Forostiak 215-814-2136; J. Nast, 215-814-2652)

Region 3 enters into a Consent Agreement with 1535 Kenilworth Ave LLC for violations of RCRA Subtitle I (DC) - On September 29, Region 3 entered into a Consent Agreement and Final Order with 1535

Kenilworth Ave LLC settling violations of RCRA Subtitle I that EPA alleged in an Amended Complaint filed on December 19, 2019 for the facility it operates in Washington, D.C. The settlement will ensure that the underground storage tanks (USTs) at the Facility are properly managed and monitored regularly for leaks and that the Facility is in compliance with the Resource Conservation and Recovery Act and the federally-authorized D.C. Underground Storage Tank Regulations. Although the original penalty sought in this matter was for approximately \$93,000, Kenilworth has agreed to pay a penalty of \$1,000 to settle the enforcement action which was the result of an Ability to Pay analysis. EPA worked closely with the District's Department of Energy and Environment to bring a resolution to this case. (M. Toffel 215-814-2060; J. Nast (ORC) 215-814-2652)

Region 3 issues Notice of Potential Violations and Opportunity to Confer letter to Culpeper Wood Preservers for alleged violations of RCRA Subtitle C (VA) – On September 8, Region 3 issued a Notice of Potential Violations and Opportunity to Confer letter to Culpeper Wood Preservers for alleged violations of RCRA Subtitle C. Culpeper Wood Preservers pressure-treats wood with wood preservatives and performs limited wood-milling operations. The alleged violations were uncovered during a hazardous waste compliance evaluation inspection and include: failed to ensure the drip pad met certain requirements of RCRA subpart W, failed to have a satellite accumulation container marked and at the point of hazardous waste generation, and failed to mark universal waste lamps. (D. Gallo (ORC) 215-814-2091; S. Forostiak 215-814-2136)

Region 3 issues Notice of Potential Violations and Opportunity to Confer letter to Norquay for alleged violations of the RCRA C (PA) - On September 29, Region 3 issued a Notice of Potential Violations and Opportunity to Confer letter to Norquay for alleged violations of the RCRA C regulations identified during a February 4, 2020 EPA compliance evaluation inspection (CEI) of the specialty chemicals manufacturing facility located in Chester, PA. The allegations include: Accumulating hazardous waste in excess of 90 days, failure to make a hazardous waste determination, failure to perform daily hazardous waste tank inspections and failure to monitor hazardous waste tank ancillary equipment for organic compound leaks. PADEP accompanied EPA on the inspection and has been informed of this action. (E. Greenwood 215-814-2057)

Region 3 issues Information Request Letters to determine Renovation, Repair, and Painting Rule compliance (PA) – On September 30, Region 3 issued Information Request Letters to conduct off-site compliance monitoring to Pascavage Painting, LLC of Honesdale, PA and Gehman Design Remodeling of Harleysville, PA. The companies have 20 days to respond with the information that will aid EPA in determining compliance with the requirements of Renovation, Repair, and Painting Rule. PA Department of Labor & Industry was notified prior to the issuance of the letters. (C. Yussen 215-814-2151)

Region 3 issues Information Request Letter to determine FIFRA compliance (WV) – On September 30, Region 3 issued an Information Request Letter to conduct off-site compliance monitoring to Clearon Corporation, of South Charleston, WV. The company has 15 days to respond with the information that will aid EPA in determining compliance with the requirements of FIFRA. WV Department of Agriculture was notified prior to the issuance of the letter. (C. Yussen 215-814-2151)

For Maryland

On September 28, Region 3 conducted an **Underground Storage Tank** inspection at Crumpton Citgo located in Millington. MDE was informed prior to conducting this inspection. (A. Thomson 215-814-2116)

For Delaware

On September 22, Region 3 conducted an **Underground Storage Tank** inspection at Sam's Club in Dover. DNREC was informed prior to conducting the inspection. (A. Thomson 215-814-2116)

On September 22, Region 3 conducted an **Underground Storage Tank** inspection at Mike's Food Market (Fuel Service Station) in Milford. DNREC was informed prior to conducting the inspection. (A. Thomson 215-814-2116)

On September 24, Region 3 conducted an **Underground Storage Tank** inspection at Advanced Pavement Group (a division of Richard's Paving) in New Castle. DNREC was informed prior to conducting the inspection. (A. Thomson 215-814-2116)

For Washington DC

On September 29, Region 3 conducted an **Underground Storage Tank** inspection at Georgetown Shell Service Station. DOEE was informed of the inspection. (W. Martínez 410-305-3026)

On September 30, Region 3 conducted an **Underground Storage Tank** inspection at International Limousine Service. DOEE was informed of the inspection. (W. Martínez 410-305-3026)

For Virginia

On September 30, Region 3 conducted an **Underground Storage Tank** inspection at Richmond Highway BP Service Station (a.k.a. Mount Vernon BP's) in Mount Vernon. VADEQ was informed of the inspection. (W. Martínez 410-305-3026)

Calendar Events

Oct 21

PADEP/EPA/DoD Virtual Partnership Meeting

Forum for state, Region 3 and Defense Department staff to collaborate on environmental enforcement and compliance related matters.

J. Jiménez 215-814-2148

Oct 28

High Priority Violator (HPV) training, Virtually from Philadelphia, PA

Training for DNREC and ECAD air inspectors on EPA's High Priority Violator policy.

D. Baltera 215-814-2342; K. Elsner 215-814-2082

Oct 28

Introductory ICIS Training, Virtually from Washington, DC

EPA Headquarters in conjunction with Regions 3 and 5 have developed an introductory ICIS training for state and regional NPDES personnel within Regions 3 and 5. The training will demonstrate how permit, inspection and status information is searched and entered into ICIS.

P. Gold 215-814-5236

Oct 28 & 29

Lead-based Paint Webinars

- Webinar 1 will educate the general public about EPA's Lead programs and laws, and how they protect children's health.

- Webinar 2 will educate firms, contractors, do-it-yourselfers, landlords, property managers, and the general public on the Lead Renovation, Repair and Painting Rule, Lead Disclosure Rule, the Lead Safe Housing Rule, and Lead Abatement

A. Dickens 215-814-2080

Nov 5

This is ECAD: Boots on the Ground, Virtually from Philadelphia, PA

In celebration of EPA's 50th anniversary, ECAD will hold a virtual event called *This is ECAD: Boots on the Ground*, where R3 employees will be invited learn about R3 enforcement work, through story-telling in a dynamic, moderated panel format.

L. Kim 215-814-3117; K. Feil 215-814-2126 and G. Connor 215-814-3209

Office of Office of Communities, Tribes and Environmental Assessment

Link to OCTEA salient database search: <https://r3web2.r03.epa.gov/Salients/oecej/index.cfm>

OCTEA Participated in HQ's National Disaster Resilience Monthly Conference (September 28, 2020)

- The conference highlighted a presentation on Green Infrastructure Design For Resilience as a new work tool for designing the constructed/natural environment aimed to reduce the impact of natural disasters on people, property, and ecosystems. Current national projects already using Green Infrastructure Design For Resilience include, among various others: 1) addressing flooding by redesigning recreation areas in Battleboro, VT; 2) designing water plaza for flooding reduction in Caño Martín Peña, PR; 3) designing stormwater drainage and open space for recovery from Hurricane Michael in Mexico Beach, FL; 4) planning hazard mitigation for flood management Huntington, WV; 5) planning hazard mitigation in a coastal area for flood management in Seaford, DE; and 6) a current round of GAC (Heat island reduction) in Bernalillo County, New Mexico; Pittsburgh, Pennsylvania; Shoshone-Bannock Tribes, Idaho; Birmingham, Alabama. HQ completed the Directive Clearance Review of its Disaster Mitigation and Recovery Order which did not yield any major comments for its impending final signature. Also, the conference provided a discussion regarding posting hazard mitigation and green infrastructure pilot reports at <https://www.epa.gov/green-infrastructure/manage-flood-risk> . Moreover, HQ's OEJ described its project progress on enhancing Environmental Justice (EJ) in emergency responses while adapting/using applicable EJ Screening with relevant checklist map layers to address potential larger disaster resilience scenarios. Lastly, HQ's ORCR described its recent presentation through HUD Exchange on CDBG-MIT (Community Development Block Grant Mitigation Program) that utilizes dedicated funding for more resilient solid waste programs. **(H. Joseph Monsalvo, x2163)**

EPA and PACA Sign MOU to Expand Efforts Supporting Environmental Stewardship - On October 7th, EPA and the Pennsylvania Aggregates and Concrete Association (PACA) signed a four-year Memorandum of Understanding (MOU) (*first of its kind!*) to expand joint activities supporting the agencies' shared goal of environmental stewardship. The MOU was developed by Region 3's Smart Sectors Program in coordination with PACA, its primary Concrete Sector Partner. EPA Administrator, Andrew Wheeler and PACA's Chairman of the Board of Directors, Rod Martin, signed the agreement on the third anniversary of the establishment of EPA's Smart Sectors Program. The MOU signing took place at the Frank Bryan Concrete Factory in Pittsburgh during a Region 3 Smart Sectors Program / Concrete Sector event. Administrator Wheeler and Region 3 Regional Administrator, Cosmo Servidio gave the keynote address. Also, in attendance were local PA Congressmen and various PACA Officers and Members. **(A. Taylor, x2482; S. Beers, x2627)**

Draft Environmental Impact Statement I-495 & I-270 Review - OCTEA is in the process of reviewing the I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement (DEIS). This DEIS concerns a One Federal Decision Project for highway widening from George Washington Memorial Parkway in Fairfax County, Virginia, to MD 5 in Maryland and along I-270, from I-495 to I-370 in Maryland. OCTEA is developing comments that will focus on consideration of alternatives to ensure that appropriate avoidance, minimization, and mitigation measures are utilized, with emphases on areas such as the American Legion Bridge, Rock Creek, Paint Branch, the Northwest Bridge, and Watkins Mill Creek. During public hearings, participants have expressed concerns regarding the impact of COVID-19 on traffic volumes, noise impacts, stream impacts, forested impacts, impacts to Plummerville Island under the American Legion Bridge, and the operational and economic effectiveness of a tolled road model. EPA is a cooperating agency and the comment letter is due on November 9, 2020. **(T. Witman x2775; A. Welch x2910)**

OCTEA NEPA Team is Reviewing the Mountain Valley Pipeline and Equitrans Expansion Project Draft Supplemental Environmental Impact Statement (EIS) - On September 25th, the Mountain Valley Pipeline and Equitrans Expansion Project Draft Supplemental EIS was published. The supplemental EIS was developed in response to a 4th U.S. Circuit Lawsuit. The project proposes to construct and operate a buried 42-inch natural gas pipeline across approximately 3.5 miles of the Jefferson National Forest located in Monroe County, WV and Giles and Montgomery Counties, VA. Potential impacts of the entire 300-mile Mountain Valley Pipeline Project (in VA WV) were studied in 2016-17 through a Federal Energy Regulatory Commission EIS. The Region 3 NEPA Team reviewed the EIS and provided comments at that time. The supplemental document addresses the lawsuit concerns, which are: 1) A need for a project specific amendment of the JNF Forest Plan because the project would not be consistent with several Forest Plan standards, and 2) The project requires a

right-of-way grant from Bureau of Land Management, with Forest Service concurrence. The comment period for the study ends on November 9, 2020. (J. Gillespie, x2793)

Office of Public Affairs

Pennsylvania

The Pennsylvania Department of Environmental Protection has awarded \$4.9 million in Section 319 Nonpoint Source Management Grants to 23 projects. The projects will help communities and the environment around the state by restoring impaired watersheds. It was noted that about \$3 million in 2021 grant funding is available for further project grant applications. (Mark Ferrell, 304/542-0231)

Virginia

Solar Farm to Replace Fuel Farm - After years of negotiations, eastern Virginia's regional facility authority will purchase 432 acres in York County on behalf of several localities in Hampton Roads. Eastern Virginia Regional Industrial Facility Authority (EVRIFA) partnered with KDC Solar, which will buy the property for \$1.35 million, in exchange for a lease to construct a solar farm on about 250 acres. EVRIFA's acquisition of the property, formerly known as "Fuel Farm," in reference to its previous use as a naval fuel depot, will soon be home to a 20-megawatt solar facility. (Mark Ferrell, 304/542-0231)

West Virginia

Governor's Mine Gets Temp Ruling - A coal company owned by Jim Justice must wait until after the state environmental department issues an administrative order before it can argue a water pollution lawsuit is moot, a federal court in the state ruled. The U.S. District Court for the Southern District of West Virginia's ruling came in favor of environmental groups who argued they would suffer "irreparable harm" from ongoing releases from Bluestone Coal Corp.'s mine during the stay. The Sierra Club, Ohio Valley Environmental Coalition, and two other groups sued the company alleging violations of the Clean Water Act and the Surface Mining Control and Reclamation Act. They say the company's Red Fox Surface Mine is releasing selenium above limits set in its National Pollutant Discharge Elimination System permit. (Mark Ferrell, 304/542-0231)

Mountain Valley Pipeline Gets FERC OK - The 2-1 FERC ruling on Friday allows the Mountain Valley Pipeline Project's construction to proceed in light of a new assessment of its impacts on certain species. The approximately 300-mile project will cross Virginia and West Virginia. It's been opposed by environmentalists who argue that it'll harm the environment but supported by industry which says it will be important in distributing energy. In 2019, a federal court halted a government assessment of the project's potential impacts on animal species, criticizing that assessment's discussion of the possible effects on certain bat species. In light of the court stay, FERC then ordered construction on the pipeline to pause. Since that time, the federal government has issued a new assessment. Late Friday, FERC's two Republican commissioners, Neil Chatterjee



Indranil (Neil) Chatterjee Appeals Court's support for FERC rule ramps up the need for flexible energy programs
Watchdog finds agencies using outdated standards for gas export facilities
Overnight Energy: 350 facilities skip reporting water pollution | Panel votes to block Trump's 'secret science' rule | Court upholds regulation boosting electric grid storage
MORE and James Danly, allowed pipeline construction to continue. (Mark Ferrell, 304/542-0231)

COMMUNICATIONS BRANCH

EPA Awards \$15,000 Grant to Philadelphia Group for Sustainable Food Management – On October 7, EPA announced that the Bullock Garden Project, Inc. (BGP) of Philadelphia has been selected to

receive funding to support a project to capitalize on gleaning to reduce farm food loss under the Sustainable Materials Management grant program. BGP works to help create, inspire, assist, and support schools and organizations implementing gardening programs. (David Sternberg, 4-5548)

EPA Awards \$15,000 Grant for Sustainable Food Management - On October 7, EPA announced that the Composting Council Research & Education Foundation (CCREF) has been selected to receive funding to support a project to promote the beneficial use of compost under the agency's Sustainable Materials Management grant program. The CCREF works closely with the U.S. Composting Council, a trade organization for the compost industry. USCC staff will assist CCREF on this project to will work with state agencies in the mid-Atlantic Region to increase the use of compost in green infrastructure projects. (David Sternberg, 4-5548)

EPA Expands Investigation at Norwood Landfill - On September 28, EPA's Site Assessment Section initiated its expanded site inspection of the Norwood Landfill site in Norwood Borough, Delaware County, Pa. which concluded on October 5. A reporter from the Delaware County Daily Times visited the site on September 30 and photographed the contractors operating the heavy equipment. The site assessment manager provided the reporter with a high-level overview of the work that was being conducted and directed the reporter to EPA's website. The story appeared on the front page of the Delaware County Daily Times on October 8. A story also appeared on CBS 3 on October 7. (David Sternberg, 4-5548)

I. Internal

R3Announce updates – Region 3 Reconstitution Site; Region 3 Idea Box; Region 3 On the Move Newsletter; October is National Disability Employment Awareness Month (NDEAM); Regional Science Council Presents: Citizen Science Efforts in the Chesapeake Bay Watershed, Oct. 13/10am; Federal Employee Viewpoint Survey (FEVS), 17Sep-29Oct; Then & Now Series; Did You Know series

II. External

Executive Events

7 Oct	PACA Roundtable/Tour/MOU signing, Pittsburgh (w/EPA Administrator)
8 Oct	Erie Opportunity Zones (w/EPA Administrator)
8 Oct	International Recycling Group, Erie (w/EPA Administrator)
8 Oct	Ernst Conservation Seeds Roundtable/Tour, Meadville, PA (w/EPA Administrator)
Future	
13 Oct	Hampton Roads WIFIA Loan Announcement (HQ-hosted)
15 Oct	HillCo/PES Tour/Discussion (w/EPA Administrator)
15 Oct	Maryland Coastal Bays Program Policy Steering Committee Meeting
16 Oct	Region 2/3 Smart Sector Event - Planning Meeting, virtual Interagency Summit
	Addressing Food Justice in Urban Areas 2021
16 Oct	First Piedmont Corp NPL Deletion Press Event
22 Oct	SRF Announcement, Charleston, WV – EPA awards \$29.7 million to West Virginia for water quality improvement projects
29 Oct	Pa. Annual Environmental Conference, Enforcement Discussion w/DEP & EPA

Media Relations

CLOSED

6 Oct	NBC Miami (Telemundo): Felman Productions (Georgia American Alloys)
	Consent Decree
8 Oct	WJAC-TV: Jackson Ceramix (China) Superfund Site

OPEN

9 Oct Altoona Mirror: Delta Quarries & Disposal, Inc./Stotler Landfill site deed restrictions

Press Events

7 Oct PACA Roundtable/Tour/MOU signing, Pittsburgh (w/EPA Administrator)

8 Oct Erie Opportunity Zones (w/EPA Administrator)

8 Oct International Recycling Group, Erie (w/EPA Administrator)

8 Oct Ernst Conservation Seeds Roundtable/Tour, Meadville, Pa. (w/EPA Administrator)

Future

13 Oct Hampton Roads WIFIA Loan Announcement

16 Oct First Piedmont Corp (Roanoke, Va.) NPL Deletion Press Event (virtual)

Press Releases/Advisories

7 Oct EPA Awards \$15,000 Grant to Philadelphia Group for Sustainable Food Management; Bullock Garden Project, Inc.

7 Oct EPA Awards \$15,000 Grant for Sustainable Food Management; Composting Council Research & Education Foundation

7 Oct EPA, PACA sign MOU (HQ release)

8 Oct EPA Round-up release: Erie Opportunity Zones, International Recycling Group, Erie and Ernst Conservation Seeds Roundtable/Tour, Meadville, Pa.

Future:

TBD DW SRF – MD, VA, DE

TBD (13 Oct) Collaborative Problem-Solving Grant Announcement

TBD (13 Oct) DERA Grants Announcement

TBD (13 Oct) WIFIA loan announcement for Hampton Roads (EPA HQ)

TBD EPA approves Consent Decree modification For Hampton Roads Sanitation District

TBD EPA settlement with Arkema, Inc., in CAA violation

TBD (22 Oct) Marshall WV NAAQS SO2 redesignation

- Bloom Energy Corp RCRA violations enforcement release – ON HOLD

Future media/press interest

- Continued interest in tri-state lawsuit against EPA re: Chesapeake Bay 2025 TMDL milestones
- Paden City drinking water issue

III. Social Media

Facebook/Twitter

October:

October 5, 2020 On 9/30, EPA Regional Administrator Cosmo Servidio and the Pennsylvania Department of Agriculture Secretary Russell Redding signed a 5-year, first-of-its-kind Letter of Understanding (LOU)...

October 5, 2020 EPA Regional Administrator Cosmo Servidio and the Maryland Department of Agriculture Secretary Joseph Bartenfelder signed a 5-year, first-of-its-kind Memorandum of Understanding (MOU) ...

October 5, 2020 All images credit Matt Steiman @EPA announces selection of 12 organizations to receive \$3 million in funding to support anaerobic digestion. @EPAregion3 recipient @DickinsonCol in Carlisle, Pa. will receive \$300K to divert more food waste from landfills and generate renewable energy. Learn

more: <https://www.epa.gov/newsreleases/dickinson-college-selected-epa-receive-300000-project-reduce-food-waste-and-dairy>

October 6, 2020 EPA's Mid-Atlantic Region awards more than \$174 million in Clean Water State Revolving Funds (CWSRF) to restore and protect the water quality in the states' rivers, lakes, and streams by addressing critical infrastructure needs.

October 6, 2020 @EPA announces @BullockGarden as recipient of \$15K grant for sustainable materials management. Funding will be used to support a project to reduce farm food loss and make gleaned produce available to communities with a high incidence of food insecurity.

October 7, 2020 @EPA is pleased to award \$15K to the Composting Council Research & Education Foundation for sustainable materials management. Funding will be used to promote the beneficial use of compost by maximizing the use of recycled materials in green infrastructure projects. <https://www.epa.gov/newsreleases/epa-awards-15000-grant-sustainable-food-management>

October 7, 2020 Did You Know? EPA has a nine-lesson program for kids (ages 9-13): "Recipes for Healthy Kids and a Healthy Environment." This program is designed to teach kids about environmental health and empower them to take steps in their everyday lives to improve the environment for their community and reduce their environmental risk.

October 8, 2020 @EPA announces @BullockGarden as recipient of \$15K grant for sustainable materials management. Funding will be used to support a project to reduce farm food loss and make gleaned produce available to communities with a high incidence of food insecurity. <https://www.epa.gov/newsreleases/epa-awards-15000-grant-philadelphia-group-sustainable-food-management>

Future:

October 13, 2020 Did You Know? EPA has a nine-lesson program for kids (ages 9-13): "Recipes for Healthy Kids and a Healthy Environment." This program is designed to teach kids about environmental health and empower them to take steps in their everyday lives to improve the environment for their community and reduce their environmental risk. Learn more here: <https://www.epa.gov/children/student-curriculum-recipes-healthy-kids-and-healthy-environment> #DYK "Recipes for Healthy Kids and a Healthy Environment" is an online learning program for kids? Designed for ages 9-13, this hands on lesson program helps empower kids to improve the environment: <https://www.epa.gov/children/student-curriculum-recipes-healthy-kids-and-healthy-environment>

- Tweetables: R3 Workforce Continuing to Fulfill EPA's Mission (amplify success stories w/additional posts, #DYK series, etc.)
- R3 Success Stories

*****End of
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